

DAC
IFW



UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of:

Applicant: MERKEL
Serial No.: 10/018,651
Filed: March 1, 2002

PETITION FOR AN UNINTENTIONALLY DELAYED
BENEFIT CLAIM UNDER 37 CFR 1.78

September 21, 2004

Applicant herewith petitions for an order granting applicant the benefit of the priority claim set forth in the attached Declaration, Power of Attorney and Petition for a Continuation-in-Part Patent Application.

Applicant is attempting to convert the subject patent application into a Continuation-in-Part application of a patent which was pending as a pending application during the pendency of the subject application.

Applicant is attempting to do so in order to overcome a reference cited by the Examiner.

Applicant herewith states that the entire delay from the date of possible claiming or priority to the date of this Petition was unintentional.

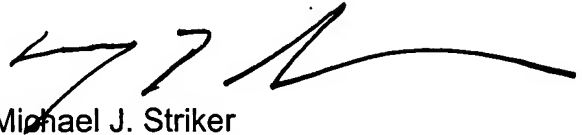
MAIL STOP DAC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 9/21/04
On _____

It is requested that any fee be debited to the account of the undersigned,

#19-4675.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

U.S.A.

**DECLARATION, POWER OF ATTORNEY AND PETITION
FOR CONTINUATION-IN-PART PATENT APPLICATION**

WE, Wilfried MERKEL and Roger DAENEN, declare that we are citizens of Germany and Belgium, respectively, whose places of residence and full postal addresses are Westring 6c, 77876 Kappelrodeck, Germany and Gelaesplein 16, B-3770 Vlytingen-Riemst, Belgium, respectively and that WE have read the specification and claims of U.S. Patent Application 10/018,651 and WE verily believe that WE are the original joint inventors of the invention or discovery in LINK ELEMENT FOR WINDSHIELD WIPERS described and claimed therein; that this application in part discloses subject matter disclosed in our earlier filed application Serial No. 09/284,399 filed on June 1, 1999 which issued as US Patent No.: 6,505,377 on January 14, 2003; that as to the subject matter of this application which is common to said earlier application, WE do not know and do not believe that the same was ever known or used in the United States before our invention thereof or patented or described in any printed publication in any country before our invention thereof or more than one year prior to said earlier filed application, or in public use or on sale in the United States more than one year prior to said earlier filed application; that WE have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; that said common subject matter has not been patented or made the subject of an inventor's certificate before the date of said earlier filed application in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months prior to said earlier filed application; that WE acknowledge a duty to disclose all information of which WE are aware which is material to the patentability of this application in accordance with 37 C.F.R. 1.56, and WE specifically acknowledge a duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the date of filing of the Continuation-in-Part application; and that no application for patent or inventor's certificate for said common subject matter has been filed by us or our representatives or assigns, except as follows:

German Patent application 197 35 301 filed in Germany on August 14, 1997 priority of which is hereby claimed

that as to the subject matter of this application which is not common to said earlier filed application, WE do not know and do not believe that the same was ever known or used in the United States before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that WE have reviewed and understand that contents of the specification, including the claims, as amended by any amendment specifically referred to in the declaration; that said not-common subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months prior to this application; that WE acknowledge a duty to disclose all information of which WE are aware which is material to the patentability of this application in accordance with 37 C.F.R. 1.56, and WE specifically acknowledge a duty to disclose material information as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the date of filing of the Continuation-in-Part application; and that no application for patent or inventor's certificate on said not-common subject matter has been filed by us or our representatives or assigns, except as follows:

German Patent application 197 35 301 filed in Germany on August 14, 1997 priority of which is hereby claimed

The undersigned petitioner(s) acknowledge(s) a duty to disclose information of which WE are aware which is material to the examination of this application in accordance with C.F.R. 1.56; and declare(s) further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

And WE hereby appoint MICHAEL J. STRIKER, Reg. No. 27233, of 103 East Neck Road, Huntington, New York 11743, tel. (631) 549 4700, our attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith.

Correspondence is to be addressed to STRIKER, STRIKER & STENBY, 103 East Neck Road, Huntington, New York 11743.

Wherefore WE pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and hereby subscribe our name to the foregoing specification and claims, Declaration, Power of Attorney, and this petition.

Signature:	Date:
Full name of Sole or First Inventor: Wilfried MERKEL	Residence and Full Postal Address: Westring 6c D-77876 Kappelrodeck Germany
Signature:	Date:
Full name of Second Inventor: Roger DAENEN	Residence and Full Postal Address: Gelaesplein 16 B-3770 Vlytingen-Riemst Belgium